

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 8-10 have been amended. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Objections:

Claims 8-10 have been objected to because of an informality. The claims have been amended to address this issue. Thus, reconsideration and withdrawal of this objection is respectfully requested.

Prior Art Rejections:

Claims 1, 2, 5-7 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2003/0219127 to Russ et al. (hereinafter "Russ"). Claims 3, 4 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ in view of U.S. Patent 6,813,264 to Vassilovski. These rejection are traversed for at least the reasons given below.

Independent claim 1 recites a "system for executing communications between **a slave unit in an intranet protected by a firewall and another slave unit located outside the firewall through the Internet**" that includes "an agency communication section equipped to the intranet for executing encryption or decryption by agency for **a slave unit having no mechanism for encryption in the intranet.**" (emphasis added) The Office refers to Russ to teach the features of the independent claim. However, Russ does not teach communications between two slave units, such that one slave unit is protected by a firewall and another is not. The usage of a firewall is not taught in Russ. In fact, the word "firewall" does not even appear in the disclosure of Russ. Rather, Russ teaches a local area network. It is respectfully submitted that one of skill in the art would be able to easily distinguish between an intranet

protected by a firewall and a local area network. The two are in no way equivalent. Thus, Russ fails to teach this feature of the independent claim. Even if the local area network were incorrectly interpreted to be an intranet protected by a firewall, Russ fails to teach slave units that have no mechanism for encryption. The Office refers to the client-receiver 122 of Russ to teach a slave unit. However, the client receiver of Russ has a secure element 908 and a cryptographic device 912 (Fig. 9, paragraph 0136). Russ teaches that the client-receiver utilizes its own mechanisms to perform encrypted communication:

“The **processor 904 negotiates an encryption scheme with the DSCT 110** for received service instances. In some situations, the negotiated scheme is no encryption. In that case, the transceiver 902 sends the service instance to the output port 916. In other situations, the service instance is encrypted by the DSCT 110 or at the headend 102, and in that case, the transceiver 902 sends the service instance to the cryptographic device 912 for decryption. The **cryptographic device 912 decrypts the service instance** using control words provided by the secure element 908 and sends the decrypted service instance to the output port 916. Typically, a user device (not shown) such as a video display or a speaker is coupled to output port 916 for providing the service instance to the user.” (paragraph 0144, emphasis added)

The client-receiver of Russ DOES have a mechanism for encryption and decryption. Thus, the client-receiver of Russ is in no way equivalent to the slave unit of the invention as claimed.

Consequently, it is respectfully submitted that Russ fails to teach all the features of the independent claims, specifically failing to teach a “system for executing communications between **a slave unit in an intranet protected by a firewall and another slave unit located outside the firewall through the Internet**” that includes “an agency communication section equipped to the intranet for executing encryption or decryption by agency for **a slave unit having no mechanism for encryption in the intranet.**” (emphasis added) If this rejection is maintained, the Office is respectfully requested to point out where these features appear in Russ.

The dependent claims are also patentable for at least the same reasons as the independent claim on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Claims 3, 4 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ. The Office correctly states that Russ does not teach a terminal outside the firewall that is not adapted to encryption. Official Notice is taken that “it would have only required routine skill in the art and design choice to have the client-receiver (i.e. laptop) communication with a terminal not adapted to encryption because Russ et al suggests different non-limiting factors for determining whether encryption and decryption should be carried by DSCT” (page 5, lines 8-11).

First, the combination relied on for the rejection lacks features of the independent claims, as shown above. The usage of Official Notice by the Examiner provides no further evidence or support as to how the features lacked in the independent claims as shown above are present in Russ.

Second, this does not even teach the features of claims 3 and 4. Specifically, these dependent claims include the feature “wherein said agency communication section executes communications without encryption or inhibits communications, when an access is made from a slave unit inside the firewall to a terminal which is located outside the firewall and is not adapted to encryption.” That requires an active role by the agency communication section when realizing that an access is made from a slave unit inside the firewall to one outside the firewall that is not adapted to encryption.

Third, as asserted in MPEP 2144.03, “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” To that extent, it is respectfully submitted that the limitation of an “agency communication section” that “executes communications without encryption or inhibits

communications, when an access is made from a slave unit inside the firewall to a terminal which is located outside the firewall and is not adapted to encryption” is not well-known in the art to be capable of instant and unquestionable demonstration. Thus, it is requested that the Examiner provide evidentiary support in the record as to the Official Notice taken, as per the guidelines set forth in the MPEP, or rescind the Official Notice. Accordingly the U.S.C. § 103(a) rejection of each of the currently rejected dependent claims should be withdrawn.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ in view of U.S. Patent 6,813,264 to Vassilovski. Vassilovski fails to make up for the deficiencies of Russ as shown above. Vassilovski also fails to mention an intranet with a firewall, and does not teach a slave unit that is not equipped to perform encryption or decryption. Thus, Vassilovski also fails to teach or suggest a “system for executing communications between **a slave unit in an intranet protected by a firewall and another slave unit located outside the firewall through the Internet**” that includes “an agency communication section equipped to the intranet for executing encryption or decryption by agency for **a slave unit having no mechanism for encryption in the intranet.**” (emphasis added) If this rejection is maintained, the Office is respectfully requested to point out where these features appear in either Russ or Vassilovski.

Conclusion:


Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: October 16, 2007
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6014
Facsimile: (202) 672-5399

By  (Reg. 59597)
for George C. Beck
Attorney for Applicant
Registration No. 38,072